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RSI CORP., dba RESPONSIVE SYSTEMS
COMPANY, a New Jersey corporation,

Plaintiff,

vs.

INTERNATIONAL BUSINESS MACHINES
CORPORATION; and DOES DEFENDANTS
1-20,

Defendants.

CASE NO. 5:08-cv-3414 RMW

**ORDER RE DISCOVERY DISPUTE
REPORT NO. 1**

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18 As to each entity that has licensed BPA, DB2PE, or OMPE from IBM since February 15,
19 2004, IBM will conduct a diligent search for responsive communications made between IBM
20 representatives in the United States and said entities during the respective one year periods leading
21 up to each entity licensing BPA, DB2PE, or OMPE.

22 IBM will conduct a diligent search for responsive communications made between IBM
23 representatives in the United States and actual RSI customers since February 15, 2003. IBM will
24 use RSI's supplemented interrogatory responses as the basis for determining RSI's customers.

25 The court expects that IBM will use appropriate technology including keyword searching
26 to minimize the burden of this discovery obligation.

27 IBM will also identify the software and functionalities included in DB2PE and OMPE as
28 per RSI's interrogatories 18 and 19.

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It is so ordered.

DATED: October, 5 2012



Ronald M. Whyte
United States District Judge